

Attachment to Independent Case Review Report  
for CDRU # 168, Case File # 95-268773.

Material Examiner Malone (RO)

Remarks:

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# INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: STEVE ROBERTSON

Area(s) of Expertise: HAIR AND FIBERS

Review commenced at: 8:00A (Time), 5/19/99 (Date)

File #: 95-268773

Laboratory #(s): 50830042

## Examiner(s) & Symbols

	Reviewed	Not Reviewed	Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Materials Reviewed

Trial testimony transcript(s) of: MICHAEL MALONE

Testimony Date(s): UNKNOWN Pages: 34-49

## Laboratory Report(s):

Laboratory Number: 50830042 Date: 10-30-85

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: RQ UNKNOWN TECHNICIAN

Laboratory Number: 50830042

Laboratory Number: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_

Initials: SRW

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: LETTER DATED 8-23-85 FROM

SUBMITTING AGENCY

### Results of Review

File #: 95-268773

Item or Specimen # Reviewed: Q2, Q4, K1-K10

### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
  - 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
  - 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

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Initials SJA

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Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

#1. INSUFFICIENT DOCUMENTATION TO DETERMINE IF HAIR COMPARISON WAS  
DONE IN A SCIENTIFICALLY ACCEPTABLE MANNER

#2. THE RESULTS STATED IN THE LABORATORY REPORT ARE NOT  
ADEQUATELY DOCUMENTED IN THE BENCH NOTES. NOTES ARE NOT  
DATED. REVIEWER IS UNABLE TO INTERPRET EXAMINER'S NOTES DUE  
TO HIS USE OF ABBREVIATIONS. REPORT STATES THAT 1 PUBIC HAIR  
AND 2 HEAD HAIR FROM Q2 ARE CONSISTENT WITH VICTIM, BUT  
EXAMINER NOTES INDICATE 2 PUBIC HAIR AND 1 HEAD HAIR WERE ON  
Q2 WHICH MATCHED VICTIM.

#3. TESTIMONY THAT IT'S "HIGHLY UNLIKELY" HAIR ON VICTIM'S BRA (Q4)  
CAME FROM SOMEBODY ELSE THAN [ ] IS MUCH STRONGER THAN  
THE OPINION STATED IN THE REPORT AND EARLIER TESTIMONY THAT

Review completed at: 9:15A (Time), 5/18/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1 1/4 HOUR

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts  
(Signature)

5-18-99  
(Date)

b6  
b7C

Additional Comments  
(Set forth by question #, if applicable)

File #: 95-268773

b6  
b7c

#3 (CONT'D) THE HAIR "IS CONSISTENT" WITH HAVING ORIGINATED FROM

[REDACTED]

EXAMINER TESTIFIED THAT HAIR MUST HAVE AT LEAST 15 CHARACTERISTICS TO HAVE VALUE FOR COMPARISON. REVIEWER KNOWS OF NO SCIENTIFIC BASIS FOR THIS

#4. EXAMINER TESTIFIED "I" REMOVED THE HAIR AND PLACED THEM ON GLASS MICROSCOPE SLIDES. NOTES INDICATE THIS WAS DONE BY A TECHNICIAN.

\* PLEASE NOTE THAT, ACCORDING TO AVAILABLE TRANSCRIPT, NO TESTIMONY CONCERNING THE Q2 HAIR COMPARISON AND MATCH WAS SOLICITED OR GIVEN.